

**AMENDMENTS TO THE DRAWINGS**

Please amend the drawings as described below. The "REPLACEMENT Sheet" for Fig. 2 reflects the implementation of the amendments described below.

In particular, the labels 361, 362, 381 and 382 in Fig. 2 have been reformatted to restore subscripting that was inadvertently omitted, i.e., the labels have been changed to 36<sub>1</sub>, 36<sub>2</sub>, 38<sub>1</sub> and 38<sub>2</sub>, respectively.

Attachment: REPLACEMENT Sheets for Figs. 1 and 2

**<remainder of page intentionally left blank>**

**REMARKS**

Claims 1-22 are pending. Of these, claims 1, 9 and 17 are written in independent format.

**DRAWING OBJECTIONS**

On page 2 of the Office Action, the Examiner objects to the handwritten portions of the drawings. Attached to this reply are REPLACEMENT sheets that address the Examiner's drawing objections. Accordingly, approval of the REPLACEMENT sheets (and with it withdrawal of the drawing objection) is requested.

**§ 101 REJECTION**

Beginning on page 2 of the Office Action, claims 1-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is traversed.

In particular, the Examiner has criticized claims 1-16 as not reciting a practical application. Again, Applicant disagrees.

In State St. Bank & Trust Co. v. Signature Fin. Group, Inc., 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998), the Federal Circuit held that a machine-implemented financial calculation was statutory, stating:

Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces "a useful, concrete and tangible result" — a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.

In State Street, a final share price resulted from a transformation of data that took the form of a series of calculations by a machine. Present claim 1, for example, recites a computer-readable medium having code portions embodied thereon that, when read by a processor, cause said processor to facilitate the localization of an information source by (among other things) determining (via a transformation of data) whether a localized information unit is stale/outdated vis-a-vis a current version of the non-localized information unit. In State Street, the final share price could be used for recording and reporting purposes, etc. In present claim 1, the determination of whether a localized information is stale/outdated can be used, e.g., for

deciding whether the localized information unit needs to be updated. Hence, like the final share price in *State Street*, a result of the method of claim 25, i.e., the determination of whether a localized information is stale/outdated, is useful, concrete and tangible. Claims 2-8 depend at least indirectly from claim 1, respectively, and so respective results thereof also are useful, concrete and tangible for at least the same reasons.

Independent claim 9 recites features similar to those of claim 1 discussed above. Hence, like the result of present claim 1 discussed above, a result produced by the processor of claim 9, i.e., the determination of whether a localized information is stale/outdated, is a useful, concrete and tangible result. Claims 10-16 depend at least indirectly from claim 9, respectively, and so respective results thereof also are useful, concrete and tangible for at least the same reasons.

In view of the foregoing discussion, the § 101 rejection is improper and its withdrawal is requested.

#### **§ 102 REJECTION – MURROW '206 PATENT**

Beginning on page 3 of the Office Action, claims 1-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,664,206 to Murrow et al. ("the Murrow '206 patent"). This rejection is traversed.

The Murrow '206 patent is generally directed to an automated software localization system. As indicated in Fig. 4, software is localized at step 115 (see column 7, lines 5-10) and then the localized software is tested for "internationalization bugs," "localization bugs" and 'proofreading bugs' at steps 120, 122, 125 and 132, respectively (see column 7, lines 16-22 and 28-33). Little is disclosed regarding what defines the various types of bugs, and what sort of testing is performed in order to identify such bugs.

A distinction over the Murrow '206 patent of claim 1 is a synchronization module for receiving the localized information units and comparing each to a current version of the information unit from the information source to determine if the non-localized information unit has changed. It will be assumed for the sake of discussion that the software of the Murrow '206 patent corresponds to information units. While the Murrow '206 patent briefly mentions testing localized software for bugs, it is silent regarding whether (and, moreover, how) to determine if such localized software is current, i.e., is not stale/outdated. More particularly, the

Murrow '206 patent is silent as to comparing localized software against current versions of the non-localized software to determine if the non-localized software has been changed vis-à-vis the localized software.

To the extent that the Examiner might be interpreting the Murrow '206 patent as inherently disclosing determination of whether localized information units are current, that would be improper. A reference disclosing all but one feature would anticipate a claim only if the missing feature necessarily flows from what is literally disclosed. Here, there is no recognition in the Murrow '206 patent that localized software could become stale/obsolete vis-à-vis the corresponding non-localized software. Accordingly, there is no basis to interpret any of the bugs (for which steps 120, 122, 125 and 132 test) as representing a condition in which localized software is stale/obsolete. Hence, the noted distinction of claim 1 cannot reasonably be regarded as necessarily flowing from what is literally disclosed by the Murrow '206 patent.

Independent claims 9 and 17 recite features similar to the noted distinction of claim 1, respectively, and thus at least similarly distinguish over the Murrow '206 patent.

Claims 2-8, 10-16 and 18-22 depend at least indirectly from claims 1 and 11, respectively, and thus at least similarly distinguish over the Murrow '206 patent.

By failing to disclose each element of the rejected claims, the Murrow '206 patent cannot be regarded as anticipatory. Hence, the §102(b) rejection is improper and its withdrawal is requested.

**<remainder of page intentionally left blank>**

**CONCLUSION**

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-2025, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:



Thomas S. Auchterlonie, Reg. No. 37,275  
P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

TSA/cm:tsa